



## COPPER RIVER WATERSHED PROJECT

≈ Upriver and down, salmon are common ground ≈

January 4, 2022.

To: Alaska Department of Environmental Conservation  
Attn: Jason W. Brune

The following comments are submitted by Lisa Docken, Executive Director of the Copper River Watershed Project (CRWP) and are intended to demonstrate concerns over reduced safety measures that would be in place should the following proposed regulatory changes be implemented as currently written under the Notice of Proposed Changes to Oil Pollution Prevention Requirements in the Regulations of the ADEC. Our organization works to reverse the effects of damaged resources and strives to provide watershed-scale projects and planning to ensure a healthy, intact and functioning watershed for all. Reducing safety measures associated with oil-related activities in the marine environment linked by ocean currents to the mouth of the Copper River watershed threatens the entire anadromous fish cycle. We align with the recommendations of PWSRCAC described below.

### Top concerns:

**#1: The proposed regulation changes provide an inadequate minimum number of oil spill drills and exercises and could reduce the total number** that ADEC may conduct for larger crude operators, such as those in Prince William Sound. These drills and exercises are a key piece of a robust oil spill prevention and response system, ensuring rapid deployment of resources for effective containment and cleanup should a spill occur and supporting safety for responders by allowing them to practice response activities ahead of an actual emergency.

**Recommendation from RCAC aligning with CRWP:** The minimum number of exercises required for crude oil plans should be set at one significant Incident Management Team and two field deployment exercises per year, as well as other unannounced exercises as ADEC deems necessary. Regulations should also retain the commitment that if a plan holder fails to demonstrate the ability to implement their plan, ADEC will require additional exercises or take other appropriate action. *\*These drills are the only way individuals can be prepared to respond to protocols. Understanding and practising set protocols ensures that we are adequately prepared for an emergency.*

**#2: The existing regulations have commitments to examine best available technologies (BAT) in use outside of Alaska, engage in studies, evaluate and identify where new technologies could be applicable in Alaska, and hold a conference related to advancing this knowledge, as well as providing findings to plan holders.** The proposed changes remove the language requiring the BAT conference and it is uncertain how or if ADEC will meet the vision and intent of ensuring that oil spill response and prevention equipment, and other spill functions that have previously been subject to this BAT analysis, is the most effective and available as new technologies emerge.

**Recommendation of RCAC aligning with CRWP:** The State of Alaska and ADEC should continue to show leadership in staying informed and promoting best available technology. Regulatory changes should not result in any diminished emphasis on best available technology, including retaining the requirement that a BAT conference be held every five years or otherwise stating how they will examine new technologies to meet the mandates of AS 46.04.030(e). *\*Being a convening organization, we cannot discredit the immeasurable benefits of conferences for sharing the most*

*recent research and encouraging conversations and collaborations that would likely not exist otherwise. Conferences are some of the most critical ways of finding best available technologies.*

#3: **The existing regulations require both RCACs (Prince William Sound and Cook Inlet) receive printed materials** during contingency plan renewals, updates, and amendments. That language has been removed in the proposed changes, instead noting that “interested stakeholders” will be notified that these materials are available for review by an ADEC listserv. While PWSRCAC supports materials being distributed electronically and having these plans electronically searchable, we have concerns and questions around practical aspects of using a listserv. In particular, given staffing reductions over the past several years and position turnover, the department’s ability to implement this in a timely manner that allows interested parties to easily access the specific information they need is uncertain.

Federal law recognizes RCACs’ special role in reviewing contingency plans within the Oil Pollution Act of 1990. The Alaska Oil Spill Commission similarly recommended that the RCACs be integrated into a state system of citizen oversight including government agency operations.

**Recommendation of RCAC aligning with CRWP:** The regulations should continue to name the RCAC for Cook Inlet and Prince William Sound as recipients required to be notified of plan reviews, updates, and amendments, electronically or otherwise. *\*The CRWP strongly recommends having RCAC a required recipient for ALL renewal, updates and amendments. Consistency in including the RCAC will ensure materials are circulated to interested parties given staff turnover (as mentioned) and avoids communication loop holes.*

Thank you for considering our public comments,  
Sincerely,



Lisa Docken, Executive Director